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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUANA MORALES,

Plaintiff,

- against -

CITY OF NEW YORK DEPARTMENT OF JUVENILE JUSTICE,

Defendant.

10 Civ. 829 (JGK)

MEMORANDUM OPINION AND ORDER

JOHN G. KOELTL, District Judge:

For the reasons stated at the June 13, 2011 hearing, the plaintiff is granted leave to file a third amended complaint. The motion to dismiss is denied as moot without prejudice to refiling. As discussed at the conference held June 8, 2011, any dismissal for failure to state a claim will be with prejudice. See Abu Dhabi Commercial Bank v. Morgan Stanley & Co., No. 08 Civ. 7508, 2009 WL 3346674, at *2 (S.D.N.Y. Oct. 15, 2009).

The Pro Se Office is directed to appoint counsel solely for the purpose of assisting the plaintiff in settlement.

After meeting with Magistrate Judge Peck, the parties should inform the Court by joint letter as to the status of the case. If the case is not settled, the plaintiff will have 30 days to file the third amended complaint, and the defendant will have 30 days thereafter to move or answer.

The Clerk is directed to close Docket No. 26.

SO ORDERED.

Dated: New York, New York
June 13, 2011

John G. Koeltl
United States District Judge